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EXAMINER	
10/14/99	
ART UNIT	PAPER NUMBER
15	

DATE MAILED:

Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents and Trademarks

Seema S. Rao

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Office Action Summary

Application No.
08/486,000

Applicant(s)

J. CARL COOPER

Examiner
Seema S. Rao

Group Art Unit
2732



☒ Responsive to communication(s) filed on Jan 7, 1999

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-17, 19-31, and 33-66 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-17, 19-31, and 33-66 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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Claim Rejections - 35 U.S.C. § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 14 and 31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 14, the amended statement, "said known set of priorities including at least one priority other than the currency of the materials", is confusing. What is the word, "currency" in this statement referring to? In claim 31, "frequency converter means" should be corrected to --frequency converter-- if that is the intent. Appropriate correction is required.

Claim Rejections - 35 U.S.C. § 103

3. Claims 1-12, 14-17, 19-20, 25-29, 31, 33-40, and 42-66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ryan (U.S. 5,406,626) in view of Yurt et al. (U.S. 5,132,992).

The reference, Ryan, discloses an access system for multiple programs, as in claims 1, 10, 25, 28, 33, 37, 40, 43, 48, and 56, in Fig.1. A recording medium (storage media), as in claims 1, 10, 25, 28, 33, 37, 40, 43, 48, and 56, is disclosed in Fig. 1,

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element 28. Selecting a particular program, as in claims 1, 10, 25, 37, 40, 43, 48, and 56, is disclosed in column 2, lines 60-65. At least one of the multiple programs including at least some displayable information, as in claim 1, is anticipated by the associated display unit for displaying the database menu items analogous to a computer screen to allow faster access to the database menus, as in column 3, line 65 through column 4, line 2.

The reference, Ryan, discloses all of the limitations of claims 1, 2, 3, 10, 25, 37, 48, and 56 except for the transmission in a compressed form; the decompression of the selected compressed program and other displayable information being other than ASCII text, as in claim 1, and viewing the programs, as in claims 6, 10, 19, 25, 37, 39, 40, 48, and 56. The reference, Yurt et al, discloses the transmission in a compressed form; decompressing the received compressed program (see Fig. 6, column 3, lines 1-15) and the video which is a displayable information. The video information anticipates the non ASCII information as claimed. Therefore, it would have been obvious to one of ordinary skill in the art to modify the system, as disclosed by Ryan, receive a compressed program; decompress the program and at least some being displayable information and non ASCII information, as disclosed in Yurt et al, to increase the bandwidth capacity thus increasing the transmission capacity and the motivation for displayable information is to have an entertainment system comprising video for instance in the case of the reference Yurt et al.

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The upcoming program, an amendment to claim 33, is anticipated by any entertainment like, movie reviews", as in column 3, lines 13-16. Storing the programs at the user location, as in claims 4 and 56, is disclosed in Fig. 1 of the reference, Ryan et al. A means for accessing program information, as in claims 4, 27, and 28, reads on the user interface and microcontroller, as in Fig. 1, elements 20 and 40. A data manager, as in claims 5, 8, 9, 27, and 38, reads on the conditional access circuitry, as shown in The Fig. 1, element 16. The reference discloses transmitting program identification data, accessing, and processing the program identification data, as in claims 6, 26, and 39, in column 2, lines 63-65. The identification reads on the "tagged" designation, as in column 2, lines 49-52. The data manager, as in claim 39, reads on the conditional access circuitry, as shown in The Fig. 1, element 16.

The reference, Ryan, discloses all of the limitations of claim 11, but does not disclose an optical storage for storing the programs. The reference, Yurt et al., discloses an optical disk for the program storage, as in claim 11, is disclosed in column 6, lines 20-22 and in column 12, lines 46-47. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the RAM of the reference, Ryan et al., with optical storage in order to meet the system requirements like, storage capacity, speed, reliability, physical size of the memory, and the cost involved.

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A computer memory, as in claim 12, is disclosed in column 2, line 39. The reference, Ryan, discloses the processing of the program identification data, as in claim 27, in column 3, line 60 through column 3, line 20. The reference discloses an access system having a storage capability of overwriting previously stored material, as in claims 14 and 19, in Fig. 1, represented by memory 28. The program information relative to the multiple channels of information and addition of other services, as in claims 35 and 36, are disclosed in column 3, lines 1-20. The number of sets of multiplicity programs, as in claim 42, reads on different categorized information, as disclosed in column 2, lines 63-65.

The reference, Ryan, discloses an access system with a decoder and an artifact modifier circuit, as in claim 29, in Fig. 1. The artifact modifier circuit, according to claim 31, a frequency converter, is disclosed in column 4, lines 13-25. It anticipates the microcontroller having the frequency converter feature. Selected portions from the same program and from different program, as in claims 44 and 45, anticipates the programs being recorded from different programs, as disclosed in column 1, lines 65-68 and in column 2, lines 63-65. The reference discloses a receiver being a part of the radio receiver which can get the transmission on real time or the information can be recorded for later playback. Any interruption, as in claim 46, anticipates the three commands, "BACK", "STOP", and "GO", as disclosed in column 3, lines 17-20.

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The compensation of the time in different ways, as in claims 46 and 54, and frequency shift, as in claims 47 and 55, are disclosed in column 3, lines 50-59. The frequency shift anticipates the speed change, as disclosed in column 3, lines 54-55. Upcoming events, as in claim 49, reads on any of the categories, as disclosed in column 3, lines 11-15. Controlling the selective programs, to be automatically recorded, based on the data in the data manager, as in claim 50, reads on the conditional access as in column 4, lines 40-49. The user do not have any control over the transmitted programs, as in claim 51, and the programs being continuous, as in claim 52, are inherent to the system disclosed by the reference and is disclosed in column 3, lines 38-43. Different ways of personalizing the data to be recorded, as in claims 15-17, 57-62, and 64-66, are disclosed in column 2, lines 60-65.

The recording of data over the recorded programs, as in claims 14 and 63, anticipates the RAM in the memory of the receiver which is used for the temporary storage of the data. Additionally, recording over the previously recorded programs is inherent to the system disclosed by the reference which has a storage capacity enough for few hours (column 3, lines 53-59). The recorder simultaneously recording the selected portions of the transmitted programs as the selected portion is being selectively retrieved by the user control, as in claims 28, 43, and 53, is inherent to the system as disclosed in column 3, lines 38-43. The system updates at all times anticipate the receiver retrieving and playing simultaneously.

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The reference, Ryan, discloses all of the limitations of claims 7, 26, and 39, but does not disclose delaying the programs to allow processing of the program identification data. The reference, however discloses decryption of the data prior to the program storage, as shown in the Fig. 1, represented by elements 14-28. From the Fig. It is obvious that the program data is delayed until the decryption of the program related data. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the decryption of the signal, as disclosed by Ryan, by delaying the program data allowing the processing of the program identification data in order to make the system reliable and secured.

4. Claims 13, 30, and 41 are rejected under 35 U.S.C.103(a) as being unpatentable over Ryan (U.S. 5,406,626) in view of Yurt et al. (U.S. 5,132,992) further in view of Barrett (U.S. 5,287,420).

The references, Ryan and Yurt et al., disclose all of the limitations of claims 13, 30, and 41, but does not disclose the program data as a compressed MPEG data, a video television compression technique. The reference, Barrett, discloses a video broadcasting system compressing video in to MPEG form in column 4, lines 41-47. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the compressed signal of the reference Ryan, to be in MPEG form,

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as disclosed by Barrett, in order to use the system for television services and achieve better decompression.

5. Claims 21-24 are rejected under 35 U.S.C.103(a) as being unpatentable over Ryan (U. S. 5,590,195)

The reference Ryan et al., which is a continuation of the reference Ryan, used in the prior office action as in the above paragraphs, discloses a radio receiver with playback means for altering the run length of the program, as in claim 21, the reference uses a audio tape as a medium for storage, for later retrieval. This implies the run length can be altered by either fast forwarding or by normal playing of the program. Frequency related information is anticipated by the spoken audio of the information, as in Fig. 2. Selecting the accessible program from the multiple programs, and means to alter the frequency of the frequency related operation, reads on the audio tape. However, the reference does not disclose altering the frequency or the run length. But Examiner takes an official notice that a tape when played back can have special features of fast forward or normal speed thus varying the run length. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus as claimed in the Ryan for playback with run length varying features as claimed to increase the efficiency of the system. For instance, if

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listener want to skip a part of the stored message can skip instead of listening to the entire message.

The access system having an ability to reproduce an accessible program with different run time than the intended run time, as in claims **21-24**, and the interruption, as in claim **22**, are disclosed in column 3, lines 50-59. The interruption anticipates the switch on the receiver and the verbal commands as disclosed in column 5, lines 17-30 as well as the obvious modifications of the features as stated in the above paragraphs.

Remarks

Applicant's arguments filed January 7, 1999, have been fully considered but they are not persuasive. The reasons are as follows. The amendment to claims for instance, "displayable information other than ASCII information" page 19 of the amendment) can be very well combine with the video downloading feature of the reference, Yurt et al. The argument regarding the reference, Ryan et al., as being used only for ASCII and not for other information is persuasive however, a modification is also obvious with the combination of the teaching of the reference Yurt et al. Therefore, the prior art rejection over the two references are maintained and the rejection is made final. Regarding the arguments, on page 18 of the amendment, designing user's own hierarchical database with his own unique menu items", is not persuasive because none of the claims have that limitations and also, the reference,

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Ryan et al., as pointed out by the Applicants disclose a designing of user's own menu with the preselected items. This feature anticipates the unique menu as argued.

The argument regarding the desirable priorities, as claimed is not persuasive for the reason, given a memory of limited capacity one has to have priorities for storing messages in order to be efficient, as disclosed in column 3, lines 42-43, it updates continuously. In order to update continuously, the memory storage has to be managed for space either by erasing partly or completely. Therefore, this feature is not novel over the prior art combination.

Regarding claim 28, a simultaneous storage and display, is anticipated by the continuous update as well as the playback of the message, as disclosed in the reference. Related to delaying the programs, as in pages 22 and 24, the reference, discloses as pointed out in the above paragraphs, a decrypting feature anticipates the delay as claimed. Arguments regarding claims 23 which depends from claim 21, the reference, Ryan, a continuation of the primary cited reference, Ryan, discloses a broadcast program system for storing the information and replayed back at a later time. The storage medium is a audio tape or an optical disc. Audio tape when played back can be fast forwarded or played at a regular period as known in the art. This playback is with fast forward feature reads on the run length. Therefore, the rejection is proper and the feature is an obvious modification. The arguments regarding claim 46 on page 24, is not persuasive. Claim 46 recites a limitation of retrieval can be accelerated to

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compensate for the run length of the program, is done manually by Ryan. But, claims do not recite any ways of doing it. Therefore, the prior art rejection is proper. The artifact modifier circuit is a frequency converter, accord to the claim, 31, is not persuasive since, its function associated with frequency converter is not claimed. Various frequency channels and tuning to various frequency channels anticipate the claimed frequency converter. Claim 36 is not specific with other services and therefore, can not be interpreted the way Applicants have argued. Therefore the argument is not persuasive. Regarding the argument for claim 42, Ryan reference teaches multiplicity of programs which are anticipated by different categories of the information. Regarding claim 52, Applicants are refereed to col. 1, lines 63-66, continuously for 10 hours the programs can be stored. Based on the above reasons, prior art rejection is proper and made final.

Examiner has cited two more references as relevant pertinent art. Morrison (U. S. 5,815,671 and U. S. 5,956,629). Both references, discloses a playback of the entertainment messages at a later time. The references well teaches the concept of the invention however, they don't antedate the priority date as claimed in the instant Application.

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6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CAR 1.136(a).

***** NOTICE *****

**ANY AMENDMENT OR REQUEST FOR RECONSIDERATION IN
RESPONSE TO THIS FINAL OFFICE ACTION SHOULD BE DIRECTED TO:**

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7. Any response to this final action should be mailed to:

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Hand-delivered responses should be brought to Crystal Park II, 2021


Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

8. Any inquiry of a general nature relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Seema S. Rao whose telephone number is (703) 308-5463.

^{SSR}
Seema S. Rao

October 9, 1999


DOUGLAS W. OLMS
SUPERVISORY PATENT EXAMINER
GROUP 2700